



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

PP04-03-102, Guadalupe River Trail Reach 6 (Willow Street to I-280)

Council District:

3

The project involves the construction of a 0.92-mile pedestrian and bicycle trail along a portion of Guadalupe River, between Willow Street and I-280. Project features include two at-grade street crossings (one at Virginia Street and one at Willow Street), a pedestrian/bicycle bridge over the Guadalupe River and the flood control bypass structure, and a pedestrian/bicycle bridge over Willow Street. The project also includes a trail rest area/overlook, a trail staging area (with parking for 6-10 cars) and pocket-park (0.25 acre) off McLellan Avenue, and trail corridor landscaping.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **August 11, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **July 7, 2004** and ends on **August 11, 2004**.

Two public hearings on the project described above are tentatively scheduled for **September 1, 2004 (Parks Commission)** and **August 17, 2004 (City Council)**. For further information, please contact Arlene Nakagawara at (408) 277-1325. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Biblioteca Latinoamericana Branch Library 921 South First St., San José, CA 95110 San Jose, and online at <http://www.ci-san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Michael Rhoades** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

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Deputy

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Guadalupe River Trail Reach 6 (Willow Street to I-280)

**PROJECT FILE NUMBER:** PP04-03-102

**PROJECT DESCRIPTION:** The project involves the construction of a 0.92-mile pedestrian and bicycle trail along a portion of Guadalupe River, between Willow Street and I-280. Project features include two at-grade street crossings (one at Virginia Street and one at Willow Street), a pedestrian/bicycle bridge over the Guadalupe River and the flood control bypass structure, and a pedestrian/bicycle bridge over Willow Street. The project also includes a trail rest area/overlook, a trail staging area (with parking for 6-10 cars) and pocket-park (0.25 acre) off McLellan Avenue, and trail corridor landscaping.

The project will be constructed in two phases: In Phase I of the project, a permanent trail will be constructed from the existing Guadalupe River Trail north of Woz Way to across Virginia Street. From here, an interim trail alignment from the south side of Virginia Street to and along Harliss Street and Willow Street will be established. At-grade street crossings at Virginia Street and Willow Street are proposed in this phase. In Phase II of the project, a permanent trail will be established between Virginia Street and McLellan Avenue along the west side of the river. This phase will include a pedestrian/bicycle bridge over Guadalupe River and the flood control bypass structure, with the trail terminating at the Highway 87 Bikeway connection south of Willow Street. Pedestrian/bicycle over crossing will be constructed over Virginia Street and Willow Street in this phase.

**PROJECT LOCATION:** The project is located along the Guadalupe River on 11 adjoining parcels owned by Caltrans, Santa Clara Valley Water District and the City of San Jose; (See Initial Study for list of Parcel Nos.)

**COUNCIL DISTRICT:** 3

**NAME OF APPLICANT:** City of San Jose Dept. of Public Works, Parks and Recreation Facilities

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

City of San Jose Dept. of Public Works, Parks and Recreation Facilities  
Arlene Nakagawara (408) 794-1325

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft

Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

1. To reduce temporary air quality impacts to a less-than-significant level, the City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall incorporate the following construction practices during all phases of construction for the proposed project:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

2. To avoid indirect impacts to riparian, wetland and open water habitat (including habitat for steelhead and Chinook salmon) that occur in/ along Guadalupe River, the City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall incorporate the following construction Best Management Practices (BMP's) to preclude erosion or sediments from entering the river during and after construction of the trail, staging areas, the pedestrian/bicycle bridge and placement of storm drain outfalls:

- Prepare a Stormwater Pollution Prevention Plan (SWPPP)
- Conduct construction activities during the dry season (typically April 15 – October 15) ;
- Divert concentrated runoff away from channel banks;
- Minimize vegetation removal;
- Identify with construction fencing all areas that require clearing, grading revegetation or otherwise disturbed;
- Stabilize disturbed soils to minimize erosion and sediment input to the creek;
- Implement erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;
- Conduct erosion control seeding of all disturbed areas as soon as practicable after disturbance following construction;
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding, repair of silt fencing) if sedimentation or erosion is noted.
- Obtain all necessary permits from U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board for the placement of new storm drain outfalls in the river, including consultation with NOAA Fisheries on measures to avoid/minimize impacts to steelhead

and Chinook salmon during outfall construction. Placement of outfalls shall follow all measures outlined by regulatory agencies, including having a qualified fisheries biologist on site to capture and relocate any steelhead or Chinook salmon from areas in/around the cofferdams.

3. To compensate for impacts to riparian habitat from the bridge crossing over Guadalupe River, two new storm drain outfalls, and potential indirect impacts to riparian wildlife from trail users, the City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall implement a mitigation program, prepared by the project Biologist, that includes the following features:

- Plant riparian revegetation to compensate for direct impacts to riparian woodland (3:1 replacement ratio), totaling 0.28 acre,
- Plant barrier plantings between the river/riparian woodland where the trail is not located on an existing maintenance road (approximately 200 linear feet),
- Install 3-foot high fencing (i.e., open, split-rail type, or similar) along bridge approaches to create a physical barrier between the trail and the riparian woodland,
- The City of San Jose, Department of Public Works Parks and Recreation Facilities Division Monitor shall monitor the effectiveness of the riparian mitigation program during the first 5 years following implementation and implement remedial measures (e.g., re-planting) if success criteria and performance standards are not met. Annual mitigation monitoring reports shall be submitted to the Environmental Principal Planner for review.
- Implement any additional mitigation measures as specified in permits secured from regulatory agencies (i.e., CDFG - Streambed Alteration Agreement, ACOE -Section 404 permit, RWQCB – Water Quality Certification).
- If so requested by the SCVWD, the City shall install barriers between the trail and SCVWD riparian mitigation plantings to reduce potential disturbances to the SCVWD's revegetation areas.

4. To compensate for the removal of 4,000 square feet (0.09 acre) of riparian woodland and 50 linear feet of shaded riverine aquatic habitat during placement of the bridge over Guadalupe River, The City of San Jose, Department of Public Works Parks and Recreation Facilities Division shall prepare and implement the revegetation plan for vegetation barrier plantings, riparian plantings and the replacement shaded riverine aquatic habitat. The revegetation plan shall be prepared by the project Biologist and shall include the following:

- Create riparian woodland at a 3:1 ratio (for bridge construction and storm drain outlet placement) and 1:1 ratio (for removal of shaded riverine aquatic habitat).
- Install barrier plantings between the trail and the riparian woodland where the trail is not located on an existing maintenance road (approximately 200 linear feet of trail) where the trail is immediately upstream of I-280.
- The plan shall specify the detailed location of all plantings, the use of locally native riparian plant species (collected from the Guadalupe River watershed) and specify a 5-year maintenance and monitoring program.
- The revegetation plan shall specify that the City shall monitor the revegetation areas a minimum of once a year. During each year of the 5-year monitoring period, plantings shall achieve a minimum 80% survival rate with a health rating of "good" or better for the revegetation to be deemed successful. Annual mitigation monitoring reports shall include the plant survival rate, maintenance actions at the site and include photographs documenting the status of the revegetation. The monitoring reports shall be submitted to the Environmental Principal Planner for review.

5. To prevent impacts to sensitive riparian bird species, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall schedule construction to occur outside the nesting season for sensitive riparian bird species (February through July). Pre construction nesting bird surveys are not recommended at this site, because the noise from the adjacent freeways makes detection of birds by vocalizations unreliable.
6. To prevent impacts to prehistoric or historic resources, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall incorporate the following measures into the proposed project:
- Retain a qualified archeologist on site during any earthmoving activities into native soils.
  - In the event prehistoric or historic resources are encountered during earthmoving activities, all work within 25 feet of the find shall be halted and the Director of Planning, Building, and Code Enforcement shall be notified. A qualified professional archaeologist shall examine the find and make recommendations for collection, recordation, analysis, and reporting of any significant cultural materials. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.
  - In compliance with state law, in the event human remains are encountered during earthmoving activities, all work within 25 feet of the find will stop and the Santa Clara County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the "Most Likely Descendent" (MLD). The City, in consultation with the MLD, would then prepare a plan for treatment, study and reinternment of the remains. All significant artifacts and samples recovered during construction would be catalogued and curated by a qualified archeologist and placed in an appropriate curation facility.
7. To prevent impacts to geologic resource and prevent erosion, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall incorporate the following measures into the proposed project:
- The project shall incorporate all recommendations set forth in the geotechnical investigation prepared for the project by AGS, Inc., (June, 2004).
  - The project shall be designed in accordance with the seismic requirements of CBC/UBC for seismic zone 4.
  - All excavation and grading work will be scheduled to dry weather months or construction sites will be weatherized to withstand or avoid erosion.
  - Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
  - Existing vegetation will be removed only when it is absolutely necessary.
  - Vegetation in disturbed areas will be replanted as quickly as possible.
8. To prevent impacts from potential hazardous materials, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall incorporate the following measures into the proposed project:
- Soil to be disturbed or removed from the project site shall be randomly sampled by a soils engineer, under contract to the City of San Jose Department of Public Works Parks and Recreation Facilities Division, to determine mercury levels, and the following actions taken as applicable:
  - If mercury levels are above the thresholds established in Title 22 of the California Code (20 ppm), the following actions shall be taken by the City of San Jose Department of Public Works Parks and Recreation Facilities Division: 1) transport all contaminated soil in accordance with the City of San Jose Code and Title 13 of the California Code, 2) dispose of all contaminated soils at an appropriately licensed disposal facility; and 3) inform the contractor of the presence of mercury so that appropriate health and safety measures are provided for construction workers.

- If mercury levels exceed the RWQCB's Environmental Screening Levels (or similar health-based standard), the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall be responsible for ensuring the contaminated soils shall be disposed of at an appropriately licensed disposal facility.
- If mercury levels do not exceed the RWQCB's Environmental Screening Levels (or similar health-based standard), the soil may be reused onsite.

9. In order to protect the Guadalupe River from potential water quality impacts resulting from the project, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall implement the following measures:

- The project shall obtain the applicable state permits under the National Pollutant Discharge Elimination System (NPDES), as required by the State Water Resources Control Board, prior to commencement of construction. The project shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with NPDES regulations.
- The project shall submit an erosion control plan to the City of San Jose and the RWQCB. All proposed erosion control measures shall be established in conformance with the City and County grading ordinances, RWQCB regulations, and the Santa Clara Valley Urban Runoff Pollution Prevention Program.
- Construction of new drainage facilities within the trail staging area and pocket-park shall use grass-lined swales, filters and/or oil and water separators.

10. In order to protect adjacent residential areas from potential noise impacts resulting from the project, the City of San Jose Department of Public Works Parks and Recreation Facilities Division shall implement the following measures:

- Construction shall be limited to 7 AM-7 PM, Monday through Friday, for any onsite or offsite work within 500 feet of any residential unit. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses. The setback distance would be determined in the field based on changing construction conditions.

## PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **August 11, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

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